IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 37915-M of 2006

DATE OF DECISION : 12.01.2007

Dhanna Singh

.... PETITIONER

Versus

State of Punjab and another

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. K.S. Bhullar, Advocate,
for the petitioner.

Mr. N.S. Gill, AAG, Punjab.

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Petitioner Dhanna Singh, father of deceased Dr. Raghujeet Singh, has filed this petition under Section 482 of the Code of Criminal Procedure for issuing direction to the respondents to register a criminal case under Sections 342, 364, 323, 325, 326, 302, 192, 204 and 120-B IPC, against Dr. Guneeta (wife of the deceased), her brother Swarandeep Singh (brother-in-law of the deceased), Smt. Simranjit Kaur wife of Swarndeep Singh, one Dinesh Ashwal, a resident of Delhi, and Dr. Amit, husband of one Dr. Candy, with whom the deceased was having illicit relations, for wrongful confinement, kidnapping, causing simple and grievous hurt and then murdering Dr. Raghujeet Singh son of the petitioner and fabricating false evidence regarding suicide of the deceased.

2. As per the police record, on 12.9.2005, at about 3.08 p.m., Dr. Raghujeet Singh, committed suicide by jumping in front of a running train on the railway track between Ladhowal-Ludhiana Railway Station. It is the case of the petitioner that actually, his son did not commit suicide, but he was murdered by the aforesaid persons in conspiracy with each other and then his dead body was thrown before a running train in order to project it

as a suicide case.

3. In the petition, it has been alleged that the deceased after doing his M.B.B.S., from the Christian Medical College, Ludhiana, joined the Indian Army in the rank of a Captain in October, 1999. Earlier to that, he developed friendship with Dr. Guneeta. They performed marriage in November, 1999. It was an inter-caste marriage. After the marriage, a male child was born to Dr. Guneeta in March, 2001. In June, 2004, deceased Raghujeet Singh took release from the Indian Army to start his own private practice. He purchased some property at Mohali and started doing his private practice with his wife Dr. Guneeta. In the year, 2005, deceased Dr. Raghujeet Singh joined M.D. Course in Christian Medical College, Ludhiana and started living there in hostel. It is stated that after release of the deceased from Indian Army, relations between him and his wife became strained. In Christian Medical College, Ludhiana, deceased developed friendly relations with Dr. Candy wife of Dr. Amit of D.M.C., Ludhiana, who was also doing M.D. in the same college. It is alleged that Dr. Guneeta started suspecting her husband and keeping a watch over him through her brother's wife Smt. Simranjit Kaur, whose parents were living at Ludhiana. It is alleged that Swarandeep Singh, brother of Dr. Guneeta, is a man of criminal brack ground. It is further alleged that Dr. Guneeta also developed illicit relations with one Dinesh Ashwal of Delhi, who was running a gym in Delhi. Dr. Guneeta also developed contacts with Dr. Amit, husband of Dr. Candy, and started providing information to him about illicit relations of Dr. Raghujeet Singh and Dr. Candy and also instigated him against Dr. Raghujeet Singh. It is alleged that a criminal conspiracy was hatched by aforesaid Dr. Guneeta, Dr. Amit, Dinesh Ashwal, Simranjit Kaur and Swarndeep Singh to eliminate Dr. Raghujeet Singh. Under the said conspiracy, murder of the deceased was committed. It is alleged that on 27.3.2006, when the petitioner visited C.M.C., Ludhiana, he was informed by some person that on 12.9.2005, a car had come and two persons had forcibly picked up Dr. Raghujeet Singh and the car was then sped away. It is

further alleged that one Suresh, a class IV employee of the CMC told him that on 12.9.2005 at about 2.00 p.m., Dr. Amit had come to C.M.C. and had enquired about his wife, but actually he came in the college for looking after Dr. Raghujeet Singh. It is further alleged that another employee of C.M.C. told him that on 12.9.2005, he had met two men, who were inquiring about Dr. Raghujeet Singh. On the basis of such instances, it is case of the petitioner that the police has prepared wrong inquest report with regard to the un-natural death of his son and has wrongly found the said case as a suicide case. It is alleged that the police has not properly investigated the matter. Actually, son of the petitioner did not commit suicide, but he was murdered in a conspiracy by the aforesaid persons and a case should be registered against them.

4. After notice, a detailed reply on affidavit has been filed by DSP, G.R.P, Jalandhar, along with the report prepared by the police under Section 174 Cr.P.C. On the complaint made by the petitioner, a detailed investigation was made by DSP, GRP, Jalandhar, who submitted detailed report dated 18.5.2006, copy of which has also been placed on record. In the said report, it has been stated that a thorough inquiry was conducted and during the inquiry, it was found that deceased Raghujeet Singh himself jumped before the running train and committed suicide. In the said inquiry, statements of various persons, including the students of C.M.C. as well as driver of the train were recorded. During the inquiry, it was found that deceased Raghujeet Singh was having illicit relations with Dr. Candy, who was doing M.D. course along with him. Wife of the deceased came to know about their illicit relations. On this, relations between deceased and his wife became strain. The deceased assured his wife that he will severe his relationship with Dr. Candy. Statement of Dr. Vikas Moudgil, who was the room mate of Dr. Raghujeet Singh was recorded, who stated that the deceased had started remaining tense and he started taking heavy dose of liquor by mixing it with milk or juice even in the morning. It has further come in evidence that Dr. Guneeta had informed Dr. Amit, husband of Dr.

Candy on his mobile about the relationship of the deceased with his wife. On 12.9.2005, he came from Chandigarh to C.M.C., Ludhiana and came to know that husband of Dr. Candy has come to know about his illicit relations with Dr. Candy. Due to this tension, he did not attend the class and went to Goraya, where he talked with his friend S. Harinderjit Singh alias Bawa, to whom he told that he is very tense. Statement of Harinderjit Singh @ Bawa was recorded. Statement of Dr. Badhan was also recorded, who stated that while going to Goraya, deceased was very tense. Statement of Dr. Vikas Moudgil, a colleague of the deceased, was also recorded, who stated that at 2.00 p.m., deceased met him, when he was going to the auditorium and he came to know that deceased has not visited the Research Committee to submit his Project Report, then he received a mobile phone from the deceased that about his illicit relations, husband of Dr. Candy has informed his wife, due to which he is very much worried, on which Dr. Badhan advised him to tender apology to his wife. It has been further stated that deceased told that he will not continue with studies and will leave the hospital. Thereafter, he disconnected the phone. As per the statement of Dr. Moudgil, he many times tried to contact the deceased, but each time the mobile was busy. Statement of Driver of the train was also recorded. He has categorically stated that at 3.08 p.m., when he was driving the train between Ladhowal-Ludhiana Railway Stations, then suddenly from left side, one Hindu gentleman came upwards and he immediately jumped before the train. Thereafter, the train was stopped and he saw that one person has died. The police was called. The inquest report was prepared. In the inquiry, it was found that the deceased was perturbed and he himself jumped before the running train and committed suicide. Post mortem of the deceased was conducted and the injuries sustained by him were found to be due to the rail accident.

5. Counsel for the petitioner contended that the inquiry conducted by the police has not considered the various aspects and there is strong suspicion that the son of the petitioner was murdered by the aforesaid

persons and thereafter he was thrown before the running train.

6. After hearing counsel for the parties, I do not find any ground to issue the aforesaid direction in exercise of the inherent powers of this court under Section 482 Cr.P.C. After going through the lengthy case file, I am satisfied that the police conducted fair and proper inquiry and recorded the statements of various persons, and then came to the conclusion that the deceased himself committed suicide and the allegations of the petitioner that his deceased son was kidnapped from the Hospital and thereafter murdered by the alleged accused and then his dead body was thrown before the running train, were not correct. The inquiry was conducted by DSP, GRP, Jalandhar. After going through the detailed inquiry report, I do not find any substance in the allegations levelled in this petition. During the inquiry, the petitioner did not disclose the name of the employees, who allegedly told him about the kidnapping of the deceased. No such person came forward before the police. Thus, in the facts and circumstances of the case, I do not find the instant case as exceptional case for issuing the aforesaid direction, for registration of criminal case against the aforesaid persons, in exercise of the inherent powers of this court.

Dismissed.

January 12, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**